

Rule of Law



Effective and impartial application of the rule of law is indispensable for building a democratic society based on the fundamental principles of justice and equality. And effective democratic processes, market reforms, and respect for human rights are contingent upon the existence of a knowledgeable and independent judiciary that ensures transparency of governance mechanisms and provides for fair access to legal process and judicial autonomy. In this regard, it is important to note that one of the most serious development challenges facing the countries of Central and Eastern Europe is corruption. Corruption undermines democracy, reduces accountability and representation in policy making, suspends the rule of law, and ultimately results in unequal service provision. To assist in the process of institutionalizing the rule of law in Bulgaria, USAID has devoted efforts and resources to modernizing Bulgaria's court administration, increasing the professionalism of the judiciary, and supporting civil society in the fight against corruption.

Judicial Reform

Approach:

- Support the institutional development of the Magistrate Training Center
- Develop a sustainable system of professional training and education for judges and court personnel
- Provide a model for modern, transparent and efficient court administration through the establishment of model pilot courts

USAID's *Judicial Strengthening Program* is comprised of judicial professional development and court administration.

Judicial Training

To improve the professional skills and knowledge of Bulgarian magistrates, USAID provides continued assistance to the *Magistrate Training Center*, the only specialized entity in Bulgaria providing continuing legal education to new and sitting judges, in building its institutional capacity and long-term sustainability. Technical support includes management and administrative assistance; training of a cadre of judicial educators; and developing and implementing a comprehensive program of course offerings for judges and judicial staff. Since the program's inception in 1999, all newly appointed judges and those with less than three years of professional experience have attended the program. Topics have ranged from criminal and civil law first-instance procedures, taught by indigenous trainers, to multinational workshops on topics such as judicial ethics, involving instructors from Bulgaria, the United States, and Europe. In the short to medium term, the Center aspires to expand the outreach of its curriculum to prosecutors and investigators.

Court Administration Reform

This component of the Judicial Strengthening Program is aimed at improving the Bulgarian courts' administrative operation at the national level, while at the same time working at the local level in developing a series of model pilot courts. These courts, located in various regions of Bulgaria, work with USAID project staff to reorder their administrative operations. Changes are designed to improve transparency and efficiency by moving administrative responsibilities from judges to trained administrative staff. Court records and case files are rapidly being transferred from cumbersome, hand-sewn compilations of

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paper to uniformly numbered and coded file folders organized on tailor-made shelving units. Computer, networking, and telecommunications equipment is also being installed, and technical assistance provided to identify and promote legislative reforms for improved administrative procedures and information management. With the ultimate purpose of being replicated at the national level, the model pilot courts provide for the formation of a uniform system for case handling and tracking, automation of the court archives, facilitated access to rulings, and information systems networking between courts and with other institutions.

USAID FACTS:

- Over 2,100 judges trained at the Magistrate Training Center (MTC) in over 70 courses
- 28 judges trained as permanent trainers of the MTC, and over 50 trained in general professional training skills and techniques
- 11 Model Pilot Courts launched, reengineered and automated
- An automated case tracking system designed and developed for nationwide utilization
- Over \$7 million committed in strengthening and modernizing the Bulgarian judiciary

Support to the Fight Against Corruption

Approach

- Promoting public-private partnerships for anti-corruption
- Introducing an innovative corruption diagnostics and institutional assessment system in Bulgaria
- Targeting anti-corruption at the local level through a country-wide civil society network

- Enhancing public awareness of corruption through public education and information sharing, and transferring that awareness into an advocacy role for society
- Reducing the incentives for corruption in public administration and fostering increased transparency in procurement

Coalition 2000 – A Public-Private Partnership Against Corruption

Partnering in USAID's anti-corruption program is *Coalition 2000*, a consortium of local NGOs dedicated to combating corruption through a public-private partnership among governmental institutions, NGOs and individuals. Under the auspices of the Coalition, an Anti-Corruption Action Plan for Bulgaria has been drafted and subsequently endorsed by the first Coalition 2000 Policy Forum, providing an overview and specific policy recommendations in a number of anti-corruption areas. Having developed a successful Corruption Monitoring System, Coalition 2000 is now publishing quarterly diagnostics of the scale and dynamics of corruption. An anti-corruption awareness campaign, targeted at both the general public and professional groups is ongoing, aimed at raising public awareness about the causes and costs of corruption. Significantly, the Coalition's model has been replicated in seven other transition countries through the Southeast European Legal Development Initiative (SELDI), a project within the framework of the Stability Pact.

Promoting Good Governance and Transparency of the Public Sector

In late 2001, USAID will begin an anti-corruption program to improve the accountability mechanisms, strengthen the internal controls, and enhance the investigative capacity within central government. Direct partners and beneficiaries of USAID's technical assistance will be the National Audit Office of the Republic of Bulgaria and the Procurement Office of the Council of Ministers. Assistance

will focus on improving the control, audit, and fraud detection capacity of the National Audit Office and on improving the transparency and efficiency of procurement regulations and procedures followed by the Council of Ministers' Procurement Office. The program will also have a civil society component aimed at advocacy building and public awareness.

USAID FACTS:

- National level Anti-Corruption Action Plan drafted and adopted
- A Corruption Monitoring System developed
- Over 15,000 copies of anti-corruption readers and awareness materials published
- Over 70 anti-corruption information days and community round tables organized by local NGOs throughout Bulgaria with over 1,500 participants
- 33 anti-corruption projects of local NGOs supported through Coalition 2000's Small Grants Program